

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5864 of 1997

OMKAR CERAMICS PVT. LTD

Versus

STATE OF GUJARAT

Appearance:

MR NM KAPADIA for Petitioner

CORAM : MR.JUSTICE M.R.CALLA

Date of Order: 13/10/97

ORAL ORDER

Heard learned counsel.

NA.permission in respect of the land in question had been granted but later on the Revenue Department of the Government of Gujarat issued an order on 11.4.1986 in the name of and by order of the Governor cancelling the order of NA permission. This order dated 11.4.1986 had been duly communicated to M/s. Trimurti Enterprises on 22.3.1994. The petitioner herein claims to be a partner retired from Trimurti Enterprise partnership and family arrangement had taken place in the year 1995. Even if it is assumed in favour of the petitioner that M/s. Trimurti Enterprises had been informed of the cancellation of the NA permission dated 11.4.1986 on 22.3.1994, there is no basis to interfere with this order dated 11.4.1996 now after a period of more than one decade in the year 1997. The present petition has been filed by the petitioner on 6.8.1997 i.e. after a period of nearly 11 years, correspondence which the petitioner is said to have entered with the Taluka Development Officer subsequent to the date on which the cancellation was intimated i.e. 22.3.1994 is of no avail because the Taluka Development Officer could not have taken a view contrary to the order passed by the Government in the Revenue Department by order of Governor on 11.4.1986. Admittedly, Trimurti Enterprise came to know of the cancellation dated 11.4.1986 on 22.3.1994 i.e.before the petitioner's retirement from Trimurti Enterprise and for

the first time it had applied for the copy of the order as late as on 24.6.1997. Thus, there is no reasonable and plausible explanation for the long and inordinate delay of morethan one decade. I do not find any reason to interfere with the order dated 11.4.1986 passed by the Revenue Department by order of the Governor at this belated stage at the instance of the petitioner who had admittedly came to know of this cancellation in the year 1994. This Special Civil Application has no force and the same is hereby dismissed in limine.

Date :13.10.1997. (M.R.Calla, J)

m.m.bhatt